



Hon. Matthew J. Fader, Chair
Chief Justice, Supreme Court of
Maryland

Hon. Donine Carrington Martin
Circuit Court for Charles County

Hon. Audrey J. S. Carrión
Chair, Conference of Circuit Judges

Hon. Karen Christy Holt Chesser
District Court in St. Mary's County

Hon. Kathleen Duvall
Chair, Conference of Circuit Court
Clerks

Nancy Faulkner, Secretary
Deputy State Court Administrator

Hon. Jeffrey S. Getty
Circuit Court for Allegany County

Kristin Grossnickle,
Chair, Conference of Circuit Court
Administrators

Pamela Harris
State Court Administrator

Hon. Fred S. Hecker
Vice-Chair, Conference of Circuit Judges

Kathy Hefner, Administrative Clerk
District Court in Montgomery County

Hon. Geoffrey Hengerer
District Court in Baltimore City

Hon. James A. Kenney, III
Chair, Senior Judges Committee

Stephanie Medina
Vice-Chair, Conference of Circuit Court
Administrators

Hon. John P. Morrissey, Chief Judge
District Court of Maryland

Hon. Bonnie G. Schneider
District Court in Cecil County

Hon. Shaem Spencer
District Court in Anne Arundel County

Lara Stone, Administrative Clerk
District Court in Harford County

Hon. Kevin Tucker
Vice-Chair, Conference of Circuit Court
Clerks

Roberta Warnken, Chief Clerk
District Court of Maryland

Hon. E. Greg Wells
Chief Judge, Appellate Court of
Maryland

Hon. Alan M. Wilner
Chair, Standing Committee on Rules of
Practice and Procedure

MARYLAND JUDICIAL COUNCIL

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Meeting Minutes
January 25, 2023

Judicial Council Members Present:

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|---------------------------------|--------------------------|
| Hon. Matthew J. Fader, Chair | Hon. Geoffrey Hengerer |
| Hon. Donine Carrington Martin | Hon. James Kenney, III |
| Hon. Audrey J.S. Carrión | Stephanie Medina |
| Hon. Karen Christy Holt Chesser | Hon. John P. Morrissey |
| Hon. Kathleen Duvall | Hon. Bonnie G. Schneider |
| Nancy Faulkner | Hon. Shaem Spencer |
| Hon. Jeffrey S. Getty | Lara Stone |
| Kristin Grossnickle | Hon. Kevin Tucker |
| Pamela Harris | Roberta L. Warnken |
| Hon. Fred S. Hecker | Hon. E. Greg Wells |
| Kathy Hefner | Hon. Alan M. Wilner |

Others Present:

Robert Bruchalski
Melissa Canada
Jeff Huddleston
Sharon Reed
Gillian Tonkin

A meeting of the Judicial Council was held on Wednesday, January 25, 2023, at the Maryland Judicial Center, beginning at 9:30 a.m. Chief Justice Fader opened with a reminder that the meeting was being livestreamed on mdcourts.gov. He welcomed those attending and stated the Council is an essential part of ensuring justice across the state. Justice Fader then moved for approval of the minutes from the November 16, 2022 meeting, which were adopted by general consent.

1. Committee/Strategic Initiative Updates

- a. **Court Technology Committee.** Judge Fred Hecker and Robert Bruchalski updated the Council on the work of the Court Technology Committee, its subcommittees, and workgroups. The committee does not have a mission statement but uses technology to maximize delivery of justice throughout the state. Until COVID, the committee worked mostly behind the scenes but now has a more public presence with remote hearings and the need for technology, which appears to be here to stay. A PowerPoint was presented, highlighting the committee's accomplishments in 2022.

Highlights. In October 2022, MDEC was successfully rolled out in Prince George's County. Judge Hecker offered special recognition to Mr. Bruchalski and Mr. Huddleston at Judicial Information Systems (JIS), who helped make Prince George's County's go-live a smooth transition.

The committee works closely with JIS to continue emphasizing security education and awareness. In 2022, Garrett County Circuit Court won the Everngam Cup for receiving the best results in training. The level of completion for security awareness Judiciary-wide has increased to 98.6%. This is a great improvement from years ago when the rate was in the low 80s. It is critical to maintain this level of success. Judge Hecker thanked Judge James Kenney and the senior judges for their participation, despite some technological challenges.

Other highlights include the resounding success of the CAPTCHA mechanism, which was added a few years ago for more secure access to Case Search by eliminating the opportunity for bots to harvest data. In addition, the court revenue assessment team is working to adopt a single payment system that will facilitate case and non-case related transactions. Finally, improvements to the business e-License system was completed statewide in early January 2023.

Access to Justice. In 2022, installation of remote hearing equipment was completed in all courts except Baltimore City. There were over 70,000 Zoom meetings, which is a decrease from 2021, now that many courts have returned to in-person hearings. The video remote interpreter service is also well underway with a successful pilot completed in Anne Arundel County Circuit Court. Based on the court's recommendations, courtrooms will need to be equipped with iPads to allow immediate video access to interpreters, when necessary. Mr. Bruchalski added that they are working with the District Court in Anne Arundel County before fully implementing the program across the state.

Judge Hecker explained that the online dispute resolution (ODR) program is now in the procurement stage. The program will expand options by facilitating online meetings in matters such as small claims, child support, traffic waivers, etc. Recent surveys made it clear that the public needs the courts to be as accommodating as possible, and the Judiciary wants to continue to communicate that Judiciary personnel are here to serve them.

Optimizing Technology. JIS continues to improve wi-fi capacity with a successful pilot in Carroll County. A Verizon network line was seamlessly installed in the courthouse and stakeholders, such as public defenders and state's attorneys, have reported strong connections and successful streaming. In addition, they are transitioning to Voice Over Internet Protocol (VoIP) in Annapolis, which allows voice calls to be made using the internet rather than a phone line. Implementation will continue to expand across the state.

The committee continues to work on implementing an Artificial Intelligence (AI) redaction program for the Judiciary. This technology would use optical character recognition, machine learning, and language recognition to perform autonomous tasks typically performed by clerks. For example, returned mail could be scanned for case information and filed accordingly through MDEC. AI technology can also assist in expungements by locating key words and redacting certain portions of documents, which will be especially helpful in light of recent cannabis legislation. This technology can help the clerks' offices function more efficiently and reduces human error. Mr. Bruchalski added that there is a contract in place, and a workgroup and kick off plan are underway. Tyler Technologies has been heavily involved to ensure smooth integration.

Multi-factor authentication was recently implemented for added log-in security for employees. Employees are prompted to approve any offsite login attempts, which has been very successful in reducing phishing and cyber-attacks. In addition, Global Protect has helped by using remote technology for easier access to desktops.

As a result of Senate bill 812, the Maryland Cybersecurity Council (MCC) was restructured in 2022 and now includes representatives from the Judiciary. Judge Hecker, Mr. Bruchalski, and David DelGaudio from JIS are all members. The objective is to have a unified policy by sharing different ways to improve security throughout the state. The Judiciary meets or exceeds the cybersecurity requirements established by the state, but it is still important to protect our independence, as well. A report from MCC is submitted to Chief Justice Fader every other year, with the first due this June.

2023 and Beyond. In 2023, the committee will continue MDEC training in Baltimore City, expand both ODR and VoIP, and pursue implementation of AI redaction. In addition to an e-payment workgroup, the committee also formed a workgroup on digital evidence. This workgroup will explore new ways to accept digital evidence. Arizona leads the way in this initiative and uses cloud-based technology. The workgroup will examine efficient ways to index and store evidence such as body worn camera videos, which takes up space and memory in the server. Members will develop best practices and recommendations on how to handle digital evidence.

The Judiciary's contract with SMART data retention system is expiring soon. The committee is working toward an independent system in 2023. Mr. Bruchalski explained that the biggest challenge is that SMART houses sensitive and confidential records that need to be protected, so specific parameters will need to be set. JIS is working closely with The Center for Internet Security (CIS) to evaluate and improve information security practices. With breaches occurring around the world every day, JIS will continue to expand programs and explore alternative ways to protect the integrity of our systems.

Following a call for questions, Chief Judge John Morrissey offered clarification on expungements using AI. In 2021, a bill passed that requires the court to automatically expunge certain cases three years after a favorable outcome. AI redaction would be extremely helpful based on the volume of cases. He applauded JIS for adapting the technology to partially shield those cases from Case Search in the meantime. Judge Morrissey recently attended a presentation where the AI vendor was integrated with Odyssey and was able to see that the potential is remarkable. Judge Hecker noted that we continue to see a push regarding expedited expungements and need to be prepared in the coming years.

Justice Fader asked whether other states are using AI for the same purposes, and Mr. Bruchalski responded that Virginia and Arizona utilize AI in the same manner. The committee is exploring what has worked and what has not worked in reducing manual entry for staff. Judge Bonnie Schneider asked whether the AI would "kick out" defective filings or items that require follow up. Mr. Bruchalski explained that there is an exception review option where the system will recognize the appropriate path for filings. Judge Hecker added the example that AI can detect whether a filing is not signed and will reject it for the clerk.

Judge Audrey Carrión inquired about the reduction in remote hearings from 2021 to 2022 and whether there is data available. Judge Hecker acknowledged that many jurisdictions continue to

restrict in-person hearings, but most do not. He will obtain that data and share it with the Council.

Justice Fader commended the committee and acknowledged how valuable technology has become. He shared a personal experience where he utilized a virtual waiting room rather than standing in line for 4 hours. He further expressed looking forward to improving service to the community and much of that efficiency can be attributed to JIS and the Court Technology Committee.

- b. ***District Court Chief Judge's Committee.*** Chief Judge Morrissey stated that there were no requests of the Council at this time and provided an update on the committee. The committee aims to focus on issues that affect all jurisdictions, rather than the larger or smaller areas, specifically. He offered praise to Garrett County for winning the Everngam Cup, as well as to District 5 and the 7th Circuit for what he believes was the smoothest go-live to date. The comradery and high spirits of everyone involved were key to the success, and the committee is looking forward to changing the tagline from "Go MDEC" to "Went MDEC" once all 24 jurisdictions are live. In addition, Judge Morrissey welcomed Judge Geoffrey Hengerer, a new District Court judge in Baltimore City.

2022 Meeting Review. The Chief Judge's Committee and the Chief Clerk's Committee met jointly in May. Judge Yolanda Curtin and Monica Kindle provided a presentation on Diversity Education. Maureen Denihan also provided a presentation on behalf of the District Court's Alternative Dispute Resolution Office (ADR), including research that shows a statistical significance in how a judge refers an individual to mediation. Judge Morrissey further discussed the Executive Leadership Forum (ELF) where leaders had the opportunity to attend management training. A seminar was recently organized in response to an employee survey to address concerns and introduce strategies to managers in the field

At the May meeting, Laura Jones provided an update regarding private home detention invoices, which have become very time consuming and burdensome. The administrative judges will receive additional training on private home detention in the near future. Lisa Ritter also updated the joint committees on capital projects, including the plan to replace the civil court building in Baltimore City. Having 4 separate courthouses will help ease transportation challenges that are often reported. The May meeting closed with legislative updates to the committees.

In September, the District Court Chief Judge's Committee met jointly with the Conference of Circuit Judges to discuss legislative updates and disseminate uniform policies and procedures. In addition, they discussed an ongoing concern with Maryland Department of Health's (MDH) backlog of individuals found incompetent and dangerous. The statute requires placement of those individuals in a facility within 10 days of a finding, and in the past, MDH has always been very good about timely placement. However, there are only 5 hospitals in the state who treat those found incompetent and dangerous. Delays began when COVID forced many locations to shut down, alter their admissions policy, and segregate their wings. Fortunately, there has been a boost in individuals appearing remotely from jails, which alleviates some of the staffing challenges MDH faces. Judge Morrissey explained that he is meeting with the Secretaries from the Department of Health and Department of Public Safety & Correctional Services (DPSCS) every 2 months to ensure a consistent line of communication and is hopeful the process will begin to improve.

In addition, at the joint September meeting, Judge Alan Wilner presented regarding the 211th report and other matters encountered by the Rules Committee. Judge Stacy Mayer provided a Legislative Committee update, and the AOC and District Court security teams noted that they have successfully

implemented active shooter training in every court and are working to make it a standard. Judge Morrissey noted that at the December meeting, Secretary Green with DPSCS presented on a therapeutic center in Baltimore City as a new approach for individuals transitioning out of jail. This program will match individuals with the resources they need to succeed once they are released. The program is still in the early stages of development. In addition, a representative from the Attorney General's office attended the December meeting to review and explain best practices for domestic violence cases. The focus of the discussion was on the importance of coordinating with law enforcement on vacate orders, where one party is ordered to vacate and needs access to the property for their belongings. Lastly, Nancy Faulkner provided an update on the Alternative Work Arrangement Feasibility Study Workgroup. The workgroup is finalizing a survey for judges and staff to provide feedback and suggestions.

Looking Ahead. The District Court Chief Judge's Committee will meet again this week to discuss human relations updates, legal news, and presentations on operations from Rose Day and JIS. The committee is especially excited about AI redaction and ODR, which will offer more convenience to the community.

Another project in the pilot stage is e-filing for landlord-tenant cases in Baltimore County. There were over 9,000 landlord-tenant filings in December 2022, and 5,000 of those were e-filed. There are a few issues to work through before moving forward with a statewide rollout. Some issues only arise intermittently, which makes it difficult to trace and identify the cause.

Finally, Judge Morrissey discussed an Accurate Information Initiative. With the constant threat of misinformation, the committee is exploring ways to promote accurate knowledge of the Judiciary through community outreach. Judge Shaem Spencer is actively involved in the "Schools in the Court" program and Prince George's County recently had their first high school visit. The focus is on decision making at an age where new responsibilities arise and can become overwhelming. Judge Spencer added that the program is also a part of Anne Arundel County's mental health initiative youth response team, which includes social workers and therapists as well.

Justice Fader expressed his gratitude for the effort and collaboration thus far and encouraged everyone to participate in these initiatives. The Council has a birds-eye view advantage, so it is important to share these opportunities with others, as well.

2. **For the Good of the Order**

There being no further business, the meeting adjourned at 12:42 pm. The next meeting is scheduled for March 22, 2023, beginning 9:30 a.m.